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LAW OFFICES
GINSBURG, FELDMAN AND BRESS
CHARTERED
1250 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036
TELEPHONE (202) 637 9000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

CORRESPONDENT OFFICE
9, RUE BOISSY D'ANGLAS
75008 PARIS, FRANCE

JAY S. NEWMAN
ASSOCIATE
(202) 637 9114

February 14, 1995

TELECOPIER (202) 637-9195
TELEX 4938614

VIA HAND DELIVERY

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Cable Inside Wiring
MM Docket No. 92-260 and RM No. 8380

Dear Mr. Caton:

In accordance with Section 1.200 et seq. of the Commission's rules, Liberty Cable Company ("Liberty"), by its attorneys, hereby submits the two attached newspaper articles dated February 3, 1995, and February 9, 1995, as further evidence to rebut the claim that the problem of accessing inside wiring in MDUs is exclusively a "New York issue". The attached articles illustrate the national scope of this matter by highlighting the home wiring difficulties which an MVPD in Nevada is facing in its efforts to compete against an entrenched cable monopolist. If the Commission fails to amend its existing cable inside wiring rules in the MDU context, the problems discussed in the articles and raised by Liberty in its filings in this proceeding will continue to occur throughout the country and nascent competition will be stillborn.

Sincerely,



Jay S. Newman
Counsel for Liberty Cable
Company, Inc.

Attachments

JSN:cas

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TCI, Quadra Vision fight over equipment

■ Apartments: Dispute centers on who owns cables attached to buildings.

By Tim Anderson
GAZETTE JOURNAL

Top executives for TCI Cablevision of Nevada and its smaller rival, QuadraVision, agree the cable television industry needs to consider a system of fair competition.

But they differ sharply on what that means.

"We welcome their competition. But they want to tap into our cable for nothing — and that's not a fair way to go," said LaFawn Vannest, TCI general manager.

QuadraVision officials contend the cable connecting to residential television sets at apartments and other multi-housing developments belongs to the owner of the property.

So, to remain competitive, they've been seeking approval from owners and managers to gain access to the property — and therefore to the cable. Although QuadraVision transmits its signal to roof antennas, it also needs a cable.

"TCI doesn't want to cooperate with us anymore, so we've been forced to take this approach. We firmly believe that people should have a choice," said James Ross, QuadraVision general manager.

Ross said the owners and managers of apartment units are given a "hold harmless" agreement in case of legal repercussions.

Then, technicians cut off a lock on the cable box for access to the line — which QuadraVision offi-

COMPARING TV SERVICE

■ **TCI Cablevision:** Serves 60,000 of the estimated 170,000 households in Reno/Sparks and Carson City. Service is delivered through cables to individual houses.

■ **QuadraVision:** Serves about 10,000 households in the Reno-Carson City area. Service is delivered through a cable connected to a 12- to 18-inch microwave antenna.

cials say doesn't affect the TCI signal. A duplicate key to a new lock on the box is sent to TCI the same day.

"What they're doing is incredible. They want something for nothing," Vannest of TCI said.

"We've bought, installed and maintained the cable and now they think they can piggyback onto our investment."

She said TCI has agreements with nearly all of the apartment complexes in the region that allow the company to install and maintain the cable.

And ownership is clearly in the hands of TCI, Vannest said, noting that copies of agreements have been sent to QuadraVision.

But Ross said he has yet to see conclusive proof of ownership.

Ross said QuadraVision — serving about 10,000 Reno-Carson City subscribers — previously was able to work with TCI.

"It was only after we started to aggressively advertise that things began to change," Ross said. He said a mutual agreement among technicians of the two companies eroded late last year to a point where TCI wouldn't show up at appointed times.

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QuadraVision, TCI battle over apartment cable access

BY KRISTIN STOREY

Tribune staff

The cable television war is heating up in the Truckee Meadows.

QuadraVision, a local cable television provider, says despite laws protecting a competitive marketplace, TCI Cablevision of Nevada is preventing competition by smaller cable operators. TCI denies the accusations.

QuadraVision began providing a wireless cable system in 1990. But the small company cannot survive entirely without cables and began seeking access to established cables in local homes and apartment complexes.

The small company had no trouble gaining cable access at houses, according to General Manager James Ross, but it's a different story at apartments.

At houses, the cables are owned by the homeowners, TCI and QuadraVision representatives agree. But cable ownership at the apartments

is in question. Ross says apartment complexes owners have control over the cables in the building. LaFawn Vannest, general manager of TCI, says her company owns the cables.

Vannest estimated her company has an agreement with 98 percent of the apartment complexes in Sparks and Reno that allows TCI to install and maintain the cables on the complex property while maintaining ownership of the cable. She says QuadraVision has been essentially stealing TCI property.

"We welcome competition, we just won't give our equipment for them to do it," Vannest said.

TCI uses a cable transmission to each subscriber while QuadraVision transmits its television signal to an antenna on the roof of the subscriber and uses cables, like the ones used by its competitors, to direct the signals to the televisions.

In QuadraVision's early

days, the two companies worked together. Often installers from the two companies would agree to meet and TCI employees would open the boxes needed for access to the cables. Ross said his company began to complain about that practice when his employees had to wait for the TCI installers to arrive.

Ross says after the company started expanding its advertising TCI stopped being cooperative. Vannest said it was employees, not TCI management, who were cooperating with the QuadraVision employees. She says it wasn't until Ross complained that TCI managers knew about QuadraVision's access to their equipment. She stopped the practice only because it was wrong, she said.

With the disagreement over who owns the cables, Ross has been seeking approval from apartment owners to access cable boxes by cutting locks. The lock is replaced with a copy of the

new key immediately sent to TCI, Ross said.

"We had to either forgo business or gain access for ourselves," Ross said.

Vannest maintains TCI owns the cables and should not have to subsidize the other company. She says cable ownership will have to be settled in the courts.

Ross is hoping legal action can be avoided.

"It would not be to our advantage to go to court," Ross said. "They have greater resources and could tie it up much longer than we could afford."

In the meantime, Ross is reaching out to elected officials and the public hoping TCI will be forced to come to a compromise. There is little chance that his company, which only serves about one-tenth the amount of TCI's customer base of 60,000, will ever be a major competitor, Ross admits.

"I just think people should have a choice," he said.